

**REMARKS/ARGUMENTS**

Various claims are being amended as shown above. No new matter is being added by virtue of the claim amendments.

In the office action, claims 1-4 and 6-19 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rowley, et al. (U.S. Patent App. Pub. No. 2003/0009754) and McIntyre, et al. (U.S. Patent App. Pub. No. 2003/0009253). Applicant respectfully traverses the rejection.

Rowley is directed to a method of installing a supervisory process control software from a central server to a remote computer. In Rowley, the source computer transmits a list of required software to the target computer (step 1810), the target computer then determines which software modules in the transmitted list is not present in the target computer (step 1820) by examining the software module registry in the target computer or by traversing the directory structure for identified software modules in the target computer. The target computer then transmits (to the source computer) a return message identifying the software modules (in the transmitted list) that are not in the target computer (step 1830), and the source computer then packages and sends (step 1840) the missing software modules that are identified in the return message so that the target computer receives the missing software modules.

The Examiner correctly admits in the office action that Rowley does not expressly indicate the step of preventing transmission of a package to one or more data processing systems if there is no match between the

attributes of the package and the attributes of the one or more data processing systems. In an attempt to overcome the deficiencies of Rowley, the Examiner relies on McIntyre in an attempt to show various features. McIntyre is directed to a system where deployment is blocked or an error message is generated if the software package to be deployed is incompatible with the target computer.

Independent claim 1 distinguishes over the Rowley-McIntyre combination by reciting the step of the user selecting a default deployment option or a customized deployment option, where the default deployment option deploys the package of said deployment information, and where the customized deployment option deploys one of a base software image, incremental software images, or hardware parameters on said one or more data processing systems. These recited features in claim 1 are not disclosed or suggested by the Rowley-McIntyre combination. Specifically, the Rowley-McIntyre combination does not permit the user to select a default deployment option or a customized deployment option. Instead, as discussed above, the systems in the Rowley-McIntyre combination will deploy the software modules which have been identified in the return message from the target server to the deployment server, where the target server has identified these software modules as missing in the target server. Therefore, the deployment in the Rowley-McIntyre combination is not based upon a user-selected option.

Accordingly, claim 1 is patentable over the combination of Rowley and McIntyre.

Claims 8 and 14 are being amended to recite similar features above that are not disclosed and are not suggested by the combination of Rowley and McIntyre. Accordingly,

claims 8 and 14 are each patentable over the combination of Rowley and McIntyre.

Claims 2-4, 6-7, 9-13, and 15-19 depend from one of claims 1, 8, and 14, and are each patentable over the Rowley-McIntyre combination for at least the same reasons that their respective base claim is patentable over the same combination. Furthermore, claims 2-4, 6-7, 9-13, and 15-19 each distinguishes over the Rowley-McIntyre combination by reciting additional features in combination with the features recited in their respective base claim. Accordingly, claims 2-4, 6-7, 9-13, and 15-19 are each patentable over the combination of Rowley and McIntyre.

For the above reasons, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

In the office action, claims 5 and 11 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rowley, and McIntyre, and further in view of Official Notice. Applicant respectfully traverses the rejection.

The Examiner correctly admits in the office action that Rowley and McIntyre do not expressly indicate various features such as disk drive partitions and settings, disk array controllers, PCI device settings, non-PCI device settings, firmware settings, and fixed code settings. In an attempt to overcome the deficiencies of Rowley and McIntyre, the Examiner relies on Official in an attempt to show various features, by stating that these limitations are considered obvious and are a matter of design choice.

Claims 5 and 11 depend from one of claims 1 and 8, and are each patentable over the Rowley-McIntyre-Official Notice combination for at least the same reasons that their respective base claim is patentable over the same

combination. Furthermore, claims 5 and 11 each distinguishes over the same combination by reciting additional features in combination with the features recited in their respective base claim. Accordingly, claims 5 and 11 are each patentable over the Rowley-McIntyre-Official Notice combination.

For the above reasons, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

In the office action, claim 20 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rowley, and McIntyre, and further in view of Zoltan (U.S. Patent No. 6,529,917). Applicant respectfully traverses the rejection.

The Examiner correctly admits in the office action that Rowley and McIntyre do not disclose the electronically-readable memory is non-volatile memory selected from the group of non-volatile memories. In an attempt to overcome the deficiencies of Rowley and McIntyre, the Examiner relies on Zoltan in an attempt to show various features.

Claims 20 depend from claim 14 and are each patentable over the Rowley-McIntyre-Zoltan combination for at least the same reasons that claim 14 is patentable over the same combination. Furthermore, claim 20 distinguishes over the same combination by reciting additional features in combination with the features recited in claim 14. Accordingly, claim 20 is patentable over the Rowley-McIntyre-Zoltan combination.

For the above reasons, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

In the office action, claims 21-28, 30, 31, 32, 33, 34, 35, 37, 38, 39 and 40 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rowley, in view of McIntyre, and further in view of Fleming (U.S. Pat. App. Pub. No. 20030070065). Applicant respectfully traverses the rejection.

The Examiner correctly admits in the office action that Rowley and McIntyre do not expressly indicate the default image capture where it will result in an automatic image capture of all hardware configuration and base software image in the reference data processing system. In an attempt to overcome the deficiencies of Rowley and McIntyre, the Examiner relies on Fleming in an attempt to show various features.

Fleming discloses a method where an image of hardware and software configuration parameters is stored in a virtual image of an operating system (see Fleming, paragraph 0019). The systems in the Rowley-McIntyre combination will capture a software image for deployment if the return message from the target server to the deployment server indicates that the software image is missing in the target server. Therefore, the image capture in the Rowley-McIntyre-Fleming combination is not based upon a user-selected process. The systems in the Rowley-McIntyre-Fleming combination does not permit the user to select a default image capture or customized image capture with features recited in claim 21. Accordingly, claim 21 is patentable over the Rowley-McIntyre-Fleming combination.

Claims 22-28 and 30-40 are also each patentable over the Rowley-McIntyre-Fleming combination by reciting steps that are based upon a user-selected process. Accordingly,

claims 22-28 and 30-40 are each patentable over the Rowley-McIntyre-Fleming combination.

For the above reasons, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

In the office action, claims 29 and 36 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rowley, and McIntyre, and further in view of Fleming and Official Notice. Applicant respectfully traverses the rejection.

The Examiner correctly admits in the office action that Rowley and McIntyre and Fleming do not expressly indicate various features such as disk drive partitions and settings, disk array controllers, PCI device settings, non-PCI device settings, firmware settings, and fixed code settings. In an attempt to overcome the deficiencies of Rowley and McIntyre, the Examiner relies on Official Notice in an attempt to show various features, by stating that these limitations are considered obvious and are a matter of design choice.

Claims 29 and 36 depend from one of claims 27 and 34, and are each patentable over the Rowley-McIntyre-Fleming-Official Notice combination for at least the same reasons that their respective base claim is patentable over the same combination. Furthermore, claims 29 and 36 each distinguishes over the same combination by reciting additional features in combination with the features recited in their respective base claim. Accordingly, claims 29 and 36 are each patentable over the Rowley-McIntyre-Fleming-Official Notice combination.

For the above reasons, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §103.

New claims 41-43 are being added above. Specifically, new claims 41-43 each recites a user-selected image capture process which are not disclosed and are not suggested by the cited references, considered singly or in combination. Accordingly, claims 41-43 are each patentable over the cited references.


For the above reasons, Applicants respectfully request allowance of all pending claims.

CONTACT INFORMATION

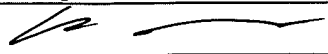
If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (805) 681-5078.

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